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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
 Separate paging is given to this Part in order that it may be filed
 as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 13th June, 1980:—

BILL No. 66 OF 1980

A Bill to provide for unrestricted freedom of religion

WHEREAS article 25 of the Constitution of India, *inter alia*, provides that all persons are entitled freely not only to profess and practise any religion but also to propagate the same;

AND WHEREAS that right to propagate religion is incomplete without winning adherents to that religion;

AND WHEREAS this right has been unduly restricted by laws passed by some State Legislatures by creating new criminal offences;

AND WHEREAS experience has disclosed that the use of criminal law for this purpose has led to persecution and inhibition of legitimate religious activity;

AND WHEREAS the use of force or fraud is adequately dealt with by 45 of 1860. the existing provisions in the Indian Penal Code, 1860;

AND WHEREAS under entry 97 of List I of the Seventh Schedule to the Constitution of India, Parliament is competent to legislate on the subject of religious freedom;

AND WHEREAS under entry 1 of List III of the Seventh Schedule to the Constitution of India, Parliament is competent to legislate on the subject of criminal law and to prevent the misuse of criminal law for any purpose whatsoever;

(419)

Be it enacted by Parliament in the Thirty-first year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the Freedom of Religion (Removal of Restrictions) Act, 1980.

(2) It shall come into force at once.

Right to
persuade
to accept
religion.

2. It is hereby declared that every person shall have the right to persuade others to accept the tenets of any religion and to win adherents thereto.

Repeal of
certain
laws.

3. The laws specified in the Schedule hereto annexed shall stand repealed.

Saving
of laws.

4. Nothing in this Act shall affect any provisions of the Indian Penal Code, 1860.

45 of 1860.

SCHEDULE

(See section 3)

1. The Orissa Freedom of Religion Act, 1967.
2. The Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968.
3. The Arunachal Pradesh Freedom of Religion Act, 1978,

STATEMENT OF OBJECTS AND REASONS

Three pieces of local legislation mentioned in the Schedule to the Bill have created an intense feeling of dissatisfaction and persecution amongst the minorities, particularly the Christians. The Bill is intended to remove the misgivings of the Christian community of India.

RAM JETHMALANI

NEW DELHI;
January 18, 1980.

BILL NO. 73 OF 1980

A Bill to provide for the constitution of a permanent Boundary Commission and resolve inter-State boundary disputes between States and States and between Union territories and States.

BE it enacted by Parliament in the Thirty-first Year of Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Boundary Commission Act, 1980.

(2) It shall come into force at once.

Appoint-
ment and
composi-
tion of the
Commis-
sion.

2. The President shall appoint a Boundary Commission headed by a Judge of the Supreme Court and consisting of two other members who shall not be holding office under the Union or State Government.

Criteria
for re-
solving
boundary
disputes.

3. The Commission shall resolve every boundary dispute taking into consideration such factors as linguistic composition of the areas concerned, geographical contiguity and such other factors as it may deem to be relevant in the circumstances of a particular case.

Findings
of the
Commis-
sion.

4. The decisions of the Commission shall be final and binding on all the parties to a dispute.

STATEMENT OF OBJECTS AND REASONS

There is a grave threat to the nation's unity from increasing bitterness arising out of boundary disputes between States. These disputes must and can be resolved expeditiously in the interest of the nation's unity and of strengthening our people faith in the democratic processes.

Such disputes have defied solution and remained unsolved mainly because in such matters there cannot be absolute principles of universal application. Hence the present Bill to provide for a Commission whose decision in any boundary dispute shall be final and which shall have the power to decide on the basis of such criteria that it may find proper in the circumstances of each case.

NEW DELHI;
February 29, 1980.

EDUARDO FALEIRO

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the appointment of a Boundary Commission consisting of a Judge of the Supreme Court and two other members. Expenditure on this account is estimated to be roughly about 40 lakhs of rupees per annum recurring by way of salary and allowances of the Chairman and members and staff of the Commission.

A non-recurring expenditure of about Rs. 10,000 will have to be incurred for furniture and office equipment of the Commission.

BILL No. 84 OF 1980

A Bill to provide for the comprehensive, intensive and speedy planning and development of the border areas comprising the eight hill districts of Uttar Pradesh and for matters connected therewith and incidental thereto.

WHEREAS the northern hill areas of Uttar Pradesh have acquired strategic importance from the point of view of the security of the borders;

WHEREAS these areas are in need of comprehensive, intensive and speedy planning and development;

WHEREAS the measures so far taken by the Government of Uttar Pradesh to this end have made a little impact; and

WHEREAS there is now an urgent need of enacting legislation to provide for the Central Government to take over the responsibility in the matter of meeting the requirements of necessary planning and fullest development of these areas;

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Border Areas (Uttar Pradesh Hill Districts) Planning and Development Act, 1980.

Short
title.

Establishment of Uttar Pradesh Border Areas Development Authority.

2. (1) There shall be established by the Central Government an authority to be called the Uttar Pradesh Border Areas Development Authority (hereinafter referred to as the Authority).

(2) The Central Government shall, after due appropriation made by Parliament in this behalf, credit to the Authority, in each financial year, such sums of money as the Central Government considers necessary for carrying out the purposes of this Act.

Composition of the Authority.

3. The Authority shall consist of the following members:—

(a) the Prime Minister, who shall be the *ex-officio* Chairman of the Authority;

(b) the Chief Minister of the State of Uttar Pradesh or, in his absence, the Governor of Uttar Pradesh, who shall be the *ex-officio* Vice-Chairman of the Authority;

(c) the members of Parliament representing the Uttar Pradesh hill districts;

(d) the members of Uttar Pradesh Legislative Assembly and Legislative Council representing the hill districts;

(e) one member, to be appointed by the Central Government in consultation with the Government of Uttar Pradesh, who shall be the Director of the Authority.

Functions of the Authority.

4. The Authority shall, among other things, perform the following functions:—

(a) it shall cause a comprehensive and intensive survey of all natural and other resources of the Uttar Pradesh hill districts;

(b) it shall plan all necessary development schemes;

(c) it shall take all necessary steps for the speedy and result-oriented implementation of the development schemes;

(d) it shall co-ordinate the various measures taken or to be taken by the concerned Departments of the Central Government and the Minister of Hill Development and the concerned Departments of the Government of Uttar Pradesh; and

(e) it shall take steps to seek delimitation of Legislative Assembly constituencies in the said areas so as to give to these areas increased representation conducive to the fulfilment of the object of their fullest development.

Powers of the Authority.

5. The Authority shall have all powers necessary to carry out the purposes of this Act including the powers to procure the services of experts in various fields and appointment of officers and other employees by deputation or by recruitment from the locally available man-power.

Annual Report to be placed before Parliament.

6. (1) The Director of the Authority shall prepare annually a Report on the working and achievements of the Authority specifically detailing therein the development plans and schemes formulated, the results obtained and the plans and the schemes under progress.

(2) The Chairman shall cause a copy of the Annual Report to be laid on the Table of each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

The eight hill districts of Uttar Pradesh form the far flung and sensitive northern border areas of our country. These areas have traditionally been affected by extreme poverty and backwardness. The awareness of this condition has been reflected in the demand of a separate State for these hill districts being made from time to time. As in the present context it was not considered in the over-all national interest, to meet the substance of this demand, a Hill Development Board under the Chairmanship of the Chief Minister of Uttar Pradesh was constituted. Subsequently, a Minister for Hill Development was also appointed there. A number of Central leaders admitted as frequently as they visited those areas that they are actually under conditions of extreme poverty and backwardness and expressed their will and determination to do their best for their utmost development and prosperity.

It, however, hardly needs to be mentioned that no significant development could take place there so far. There is no hope in sight in the near future either. It is, therefore, considered necessary that the responsibility for the comprehensive, intensive and speedy development of these areas should be placed on the Central Government by suitable legislation.

Hence this Bill.

HARISH CHANDRA SINGH RAWAT

NEW DELHI;

February 29, 1980.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of Uttar Pradesh Border Areas Development Authority and appropriation of moneys from the Consolidated Fund of India. Clause 3 provides for the composition of the Authority which includes a Director besides other members and Chairman and Vice-Chairman who are already the elected representatives. Clause 4 provides for various functions of the Authority. Clause 5 provides for the appointments to be made for the purpose of carrying out the purposes of the Bill. Lastly, clause 6 provides for the preparation of an Annual Report of the Authority. It is not possible at this stage to state the precise estimate of the recurring and non-recurring expenditure involved in implementing the provisions of the Bill when it is enacted and brought into force. According to the rough estimates, however, the initial non-recurring expenditure may be to the tune of rupees one hundred crores and the recurring expenditure to the tune of rupees thirty lakhs per annum.

BILL No. 78 OF 1980

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1980. Short title.
2. In the Preamble to the Constitution, after the words "DEMOCRATIC", the word "FEDERAL", shall be inserted. Amendment of Preamble.
3. In article 1 of the Constitution and thereafter wherever it occurs in the Constitution, for the word "Union", the word "Federation" shall be substituted. Amendment of article 1.
4. In the proviso to article 3 of the Constitution, for the words "for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow" Amendment of article 3.

and the period so specified or allowed has expired", the words "and the Legislature has consented to the proposals contained in the Bill by adopting a resolution to that effect by a simple majority and has forwarded such resolution to the President" shall be substituted.

Amendment of article 200.

5. In article 200 of the Constitution,—

(i) the words "or that he reserves the Bill for the consideration of the President" shall be omitted;

(ii) second proviso shall be omitted.

Omission of article 201.

6. Article 201 of the Constitution shall be omitted.

Substitution of article 248.

7. For article 248 of the Constitution, the following article shall be substituted, namely:—

Residuary powers of legislation.

"248. (1) The Legislature of any State has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or the Union List.

(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists".

Insertion of new article 248A.

8. After article 248 of the Constitution, the following article shall be inserted, namely:—

Reformulation of Seventh Schedule and real autonomy to States.

"248A. (1) Within two years after the commencement of this Constitution (Amendment) Act, the Lists in the Seventh Schedule shall be reformulated by Parliament by law so as to give greater and real autonomy to States.

(2) Any such law as is referred to in clause (1) shall, in particular, provide for—

(a) exclusive power of the Centre in the matter of defence, foreign relations including foreign trade, communications, currency and related matters and multi-State industrial, power and irrigation projects except their execution and implementation which shall be left to the States;

(b) coordination and issue of general directions by the Centre in the matter of planning, fixing of prices, wages, industries, industrial licensing, etc.;

(c) exclusive power of the State in the matter of law and order and the police and certain categories of industries;

(d) non-interference into the affairs of the States by the Centre with its own specially created forces such as Central Reserve Police or any other police force which the Centre may raise.

9. Article 249 of the Constitution shall be omitted. Omission of article 249.
10. After article 263 of the Constitution, the following new article shall be inserted, namely:— Insertion of new article 263A.
- “263A. (1) The President shall be order establish a National Development Council in which all the States and the Centre shall have representation in the manner to be defined in the order, and any such order shall also define the nature of duties to be performed by the Council and its organisation and procedure. Establishment of National Development Council and Planning Commission.
- (2) The National Development Council shall determine the composition of the Planning Commission that may be constituted by the President by order and shall also define the nature of the duties to be performed by the Planning Commission and its organisation and procedure.”.
11. In article 270 of the Constitution, in clause (2), for the words “such percentage, as may be prescribed”, the words “seventy-five per cent” shall be substituted. Amendment of article 270.
12. Article 271 of the Constitution shall be omitted. Omission of article 271.
13. In article 272 of the Constitution,— Amendment of article 272.
- (a) the words “if Parliament by law so provides” shall be deleted;
- (b) for the words “any part”, the words “seventy-five per cent” shall be substituted.
14. For article 273 of the Constitution, the following article shall be substituted, namely:— Substitution of article 273.
- “273. Seventy-five per cent. of the net proceeds in each year of export duty on jute and jute² products shall be assigned to the States of Assam, Bihar, Orissa and West Bengal and, in lieu thereof, equivalent sums shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of these States.” Grants in lieu of export duty on jute and jute products.
15. After article 273 of the Constitution, the following new article shall be inserted, namely:— Insertion of new article 273A.
- “273A. Seventy-five per cent. of the revenues levied and collected by the Union, which are divisible between the Union and the States, shall be distributed among the States. Division of revenues among States.
16. In article 280 of the Constitution, in clause (3),— Amendment of article 280.
- (i) for sub-clause (a), the following sub-clause shall be substituted, namely:—
- (a) the proportion and the principles which would govern the allocation between the States of their respective shares of the seventy-five per cent. of the net proceeds of taxes which are to be or may be levied and collected by the Centre and are divisible between the Union and the States.”;

(ii) after sub-clause (b), the following sub-clause shall be inserted, namely:—

(bb) the according of more powers to the States for imposing taxes;”.

Amendment of article 289.

17. In article 289 of the Constitution, clauses (2) and (3) shall be omitted.

Omission of article 302.

18. Article 302 of the Constitution shall be omitted.

Omission of article 312.

19. Article 312 of the Constitution shall be omitted.

Amendment of article 348

20. In article 348 of the Constitution,—

(i) the following clause shall be inserted after clause (1), to namely:—

“(1A) Notwithstanding anything in sub-clause (a) of clause (1), every person shall be entitled to submit a petition to and address the Supreme Court, during the course of proceedings on his petition, in any of the languages specified in the Eighth Schedule, and in such cases adequate arrangement shall be made by the Supreme Court for translation and interpretation of such language in English:

Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by the Supreme Court.”;

(ii) in clause (2), the words “with the previous consent of the President” shall be omitted.

Substitution of article 350.

21. For article 350 of the Constitution, the following article shall be substituted, namely:—

Representation in any language in Eighth Schedule.

“350. (1) Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union in any of the languages specified in the Eighth Schedule.

(2) Every person shall be entitled to submit a representation in his mother tongue for the redress of any grievance to any officer or authority of the State in which he ordinarily resides.”.

Amendment of article 360.

22. Clauses (3) and (4) of article 360 of the Constitution shall be omitted.

Amendment of Seventh Schedule.

23. In the Seventh Schedule to the Constitution,—

(a) in List I, entries 2A and 97 shall be deleted;

(b) in List II, the following entry shall be added in the end, namely:—

“67. Any other matter not enumerated in List I or List III including any tax not mentioned in either of those Lists.”

STATEMENT OF OBJECTS AND REASONS

The question of Centre-State relations is crucial to the preservation of the unity and integrity of India within the framework of its linguistic, cultural and other diversities. The several linguistic and cultural groups that inhabit the country were united before Independence in their common aspiration for freedom from colonial bondage. They are today united in their common aspiration to build a prosperous life for themselves as well as to develop full national resources free from imperialist interference and according to their respective socio-economic, linguistic and cultural needs. The struggle for realising these common aspirations makes it incumbent on the Governments at the Centre and the States, the political parties and the people at large to recognise the need for unity in diversity.

The Constitution that emerged after Independence, though described as federal, was essentially unitary in character. It clothed the Centre with more powers at the expense of the autonomy of the States. That is why the "Concurrent" list has as many as 47 items. Since the adoption of the Constitution, the tendency had been to make greater inroads into the powers of States. This was facilitated by the fact that the same political party was in power at the Centre and in all the States, except for short durations and, that too, in only a few States.

During the last two decades, while the demand has been growing for greater powers to the States so as to make States' autonomy real and effective, there have been persistent efforts to erode even the limited powers of the States and reduce the democratic functioning of the Governments there. The right of the people to manage their affairs even within the limited sphere allotted in the States List of the Constitution has been sought to be reduced to a farce. For this purpose, all manner of pressures had been used, sometimes formally through the power of the Centre, sometimes indirectly by denying finances and other resources etc., to non-Congress Governments and by applying pressure on the Chief Ministers of the Congress Party through the organisation and leadership. During the last ten years, the Centre's tentacles have further spread to the States even in the sphere of law and order, which is formally a State subject, through the creation of the Central Reserve Police, the Border Security Force, the Industrial Security Force etc. By the 42nd Amendment to the Constitution, Education, which was State subject, was transferred to the Concurrent List. The process has now reached a stage when it threatens to reduce the States to the status of subordinate departments of the Centre under the aegis of the Central Home Ministry. The Emergency immensely accelerated the process. The actions taken in those twenty months sought to make it clear beyond doubt that the State Ministries and Legislatures faced the perpetual threat of being removed by hook or crook, if they did not toe the line of the Centre.

The issue of Centre-State relations has assumed a new significance in the changed political context. Different parties are in office in the different States and in the Centre. This is a welcome departure from the one-party authoritarian rule of the Congress. It is a part of the democratic aspirations of the people that federal principles should be correctly understood and applied so that this multiparty democratic pattern may survive.

In a country like India, with such diversities in race, religion, language and culture, national integration can be achieved only through conscious voluntary efforts. Devolution of powers may help ward off dissipated tendencies instead of encouraging them. A strong and unified India can only be one in which the democratic aspirations and the distinctiveness of the people of the different States are respected and not treated with disdain. It is necessary to provide for strong States, but on no account there should be a weak Centre. The concept of strong States is not necessarily in contradiction to that of a strong Centre, once their respective spheres of authority are clearly marked out.

Hence the Bill.

CHITTA BASU.

NEW DELHI;
January 18, 1980.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274
OF THE CONSTITUTION OF INDIA

[Copy of letter No. F.8(3)-B(S)/80, dated the 4th March, 1980 from Shri R. Venkataraman, Minister of Finance to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Constitution (Amendment) Bill, 1980 proposed to be introduced by Shri Chitta Basu, M.P., recommends under articles 117(1) and 274(1) of the Constitution of India, the introduction of the said Bill in the Lok Sabha and also recommends under article 117(3) of the Constitution of India the consideration of the Bill by the Lok Sabha.

FINANCIAL MEMORANDUM

Clause 20 of the Bill entitles a person to submit his petition to and address the Supreme Court in any of the languages specified in the Eighth Schedule to the Constitution and requires the Supreme Court to make arrangement for translation and interpretation of such languages into English. Similarly, clause 21 entitles a person to submit a representation to the Union in any of these languages. Arrangement for translation and interpretation of all these languages into English is likely to involve a recurring expenditure of about rupees ten lakhs from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five lakhs is also likely to be incurred.

BILL NO. 90 OF 1980

A Bill to amend the Dowry Prohibition Act, 1961.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment.
Amend-
ment of
section 2.

1. (1) This Act may be called the Dowry Prohibition (Amendment) Act, 1980.

(2) It shall come into force at once.

2. In section 2 of the Dowry Prohibition Act, 1961 (hereinafter referred to as the Principal Act),— 28 of 1961.

(i) for the words “after the marriage”, the words “within one year after the marriage” shall be substituted;

(ii) in *Explanation I*, after the words “other articles”, the words “the total value of which does not exceed two thousand rupees” shall be inserted;

(iii) after *Explanation I*, the following *Explanation* shall be inserted, namely:—

“*Explanation IA.* The term dowry shall include the expenses incurred by the girl's parents and/or guardians at the time of marriage ceremony, including expenses for entertainment marriage feast, decoration and lighting and shall further include

the expenses incurred by the girl's parents and/or guardians on the occasion of various festivals before and after the marriage but relating to or as a consequences of the marriage:

Provided that if the said expenses when added up do not exceed the amount of one thousand rupees, the said expenses shall not be termed as dowry."

3. In section 3 of the principal Act, after the words "five thousand rupees", the words "or twice the amount of the dowry, whichever is more," shall be inserted. Amendment of section 3.

4. For the proviso to section 4 of the principal Act, the following proviso shall be substituted, namely:— Amendment of section 4.

"Provided that no court shall take cognizance of any offence under this section unless a show cause notice is served on the party to the marriage alleged to be guilty of the offence and unless such party is given an opportunity of offering explanation to rebut the charge and/or allegation in defence."

5. After section 4 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 4A.

"4A. If any parent or guardian of either party to the marriage displays publicly any articles, presents or gifts received by either party to the marriage, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two thousand rupees or twice the value of such articles, presents or gifts so publicly displayed, whichever is higher, or with both."

6. In section 7 of the principal Act, in part (b), for the words "made within one year from the date of the offence", the following words shall be substituted, namely:— Amendment of section 7.

"by any party to the marriage or by the parent or the guardian of the party to the marriage;"

7. In section 8 of the principal Act, for the word "non-cognizable" the word "cognizable" shall be substituted. Amendment of section 8.

STATEMENT OF OBJECTS AND REASONS

The dowry system in India has ruined many parents of marriageable daughters on being compelled to offer and give dowry to a prospective bridegroom. Large number of newly wedded girls are either driven to commit suicide or are alleged to have been burnt.

Lok Nayak Jaya Prakash Narayan had launched a crusade against this system of dowry as he felt that this is one of the root causes of corruption in the society and launched a struggle to abolish this system.

The Committee on the Status of Women in India (CSWI) considered the question of the evil of dowry and recommended that offences under the Dowry Prohibition Act, 1961 should be made cognizable. Seminar organised by the Mahila Dakshata Samiti on amendment to the Dowry Prohibition Act and protection of abandoned women and children also recommended changes in legislation concerning giving and taking of dowry. Anti-Dowry Committee of the Mahila Dakshata Samiti which studied this problem have come to the conclusion that victims of this evil practice cut across all sections and classes of society. Intervention in serious cases carries little power other than moral persuasion to be effective. Enlistment of cooperation of the law enforcing authorities is very essential. There are number of loopholes in the present Dowry Prohibition Act, 1961, which has resulted in the Act being ineffective. The Bill seeks to provide deterrent action against the offenders and other changes proposed in the present Bill are intended to give effect to such matters as are necessary for the effective operation of the law.

NEW DELHI;

PRAMILA DANDAVATE

March 7, 1980.

BILL No. 81 of 1980

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

- | | |
|---|---------------------------------------|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 1980. | Short title, extent and commencement. |
| (2) It extends to the whole of India. | |
| (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. | |
| 2. After article 16 of the Constitution, the following new article shall be inserted, namely:— | Insertion of new article 16-A. |
| “16A. (1) All adult citizens shall have the right to work and to have adequate means of livelihood. | Right to work. |
| (2) Where a citizen is not provided with work to enable him to earn his livelihood, the State shall render him assistance with an unemployment allowance.”. | |

Substitu-
tion of
article
41.

3. For article 41 of the Constitution, the following article shall be substituted, namely:—

Right to
education
and to
public
assistance
in cer-
tain cases.

"41. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to education and to public assistance in cases of old age, sickness and disablement, and in other cases of undeserved want."

STATEMENT OF OBJECTS AND REASONS

Under articles 39 and 41 of the Constitution it is provided that the State shall direct its policy towards securing for its citizens the right to work and adequate means of livelihood but these articles have not achieved their desired purpose. And unemployment has assumed alarming proportions in the country.

In a welfare State it is the duty of the Government to provide work for all its able-bodied citizens. Failing to procure adequate means of livelihood to any of its citizens, the State should render assistance to them in the form of unemployment allowance.

The Bill seeks to achieve this object.

NEW DELHI;

K. LAKKAPPA

March 12, 1980.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3) OF THE
CONSTITUTION OF INDIA

[Copy of letter No. DGE&T-H.11019/3/80-M.P.(Genl), dated the 31st March, 1980 from Shri J. B. Patnaik, Minister of Labour.]

The President having been informed of the subject matter of 'The Constitution (Amendment) Bill, 1980 (*Insertion of new article 16A. etc.*)' by Shri K. Lakkappa, M.P. recommends the consideration of the Bill in the Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

The Bill when enacted will enable the Government to render assistance to unemployed persons through the payment of unemployment allowance till such time as they are provided with gainful employment.

The unemployed are estimated to be not less than 10 million persons in the country at present. Various efforts made to provide employment through labour-intensive schemes may at best cover 4 millions, leaving 6 million still as unemployed. Paying an unemployment allowance of Rs. 100/- per month per head will involve an annual recurring expenditure of Rs. 720 crores from the Consolidated Fund of India. The Bill will not involve any non-recurring expenditure. (Clause 2)

BILL NO. 79 OF 1980

A Bill to provide for the grant of loans and various subsidies to small farmers.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Small Farmers Assistance Act, 1980.

Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. It is hereby declared that it is expedient in the interest of the small farmers and agricultural development that the Union Government should extend loans and provide other subsidies to small farmers.

Expediency of providing loans and other subsidies to small farmers.

3. In this Act, the "small farmer" means a farmer whose extent of agricultural land is 10 acres or less of dry land or 5 acres or less of wet land.

Definition of small farmer.

Rate of
interest
on loan.

4. Loans shall be extended to the needy small farmers with reference to the cost of farming at a rate of interest not more than 4 per cent per annum.

Provi-
sion of
subsidies.

5. Subsidies shall also be provided to the small farmers to enable them to procure agricultural implements, improved seeds, etc. at subsidized rates.

Market-
ing of
produce.

6. Co-operative societies shall render assistance to the small farmers in the marketing of their produce.

Making
of rules.

7. The Government shall make rules under which the small farmers can obtain loans and subsidies and regulate the mode of their repayment in an easy manner.

STATEMENT OF OBJECTS AND REASONS

At present small farmers beset with financial difficulties are facing immense hardship in procuring loans to meet the cost of farming operations, in buying agricultural implements, improved seeds etc. and marketing their produce at prices commensurate with the cost of operations. It has become difficult for them to satisfy the rules prescribed by Co-operative Banks and Scheduled Banks in obtaining loans. The Bill enables them to obtain loans and other subsidies needed for their operations in easy manner and they are also assured of marketing facilities.

The Bill is thus intended to help the small farmers in all possible ways and is of wide socio-economic importance like land reform legislations.

K. LAKKAPPA

NEW DELHI;

March 12, 1980.

FINANCIAL MEMORANDUM

Clauses 4 and 5 of the Bill provide for grant of loans and subsidies to small farmers. This will involve a recurring expenditure of about ten crores of rupees from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail, the delegation of power is of a normal nature.

BILL No. 80 OF 1980

A Bill to provide for abolition of caste system and to put a ban on expression of caste after the name.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short
title,
extent
and com-
mence-
ment.

1. (1) This Act may be called the Caste System Abolition Act, 1980.
- (2) It extends to the whole of India.
- (3) It shall come into force six months after the date on which it receives the assent of the President.

Abolition
of caste
system.

2. The Caste system is hereby abolished.

Declara-
tion of
caste as
unlawful.

3. It shall be unlawful for any Government, authority or person to require a person, who is a citizen of India, to declare his caste in any form, statutory or non-statutory, official or non-official.

4. No person shall mention his caste after his name, either in writing or in speech.

Prohibition of mentioning Caste after name.

5. No person shall call another person by his caste or mention another person's caste while communicating with him in writing or in speech.

Prohibition on calling a person by his caste.

6. No person shall compel any other person to act in a manner contrary to the provisions of sections 3, 4 and 5 of this Act.

Compelling persons to act contrary to provisions.

7. Any person who acts in contravention of the provisions of this Act, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Penalty.

8. (1) The Central Government shall give effective and regular publicity to the provisions of this Act for a period of ten years from the commencement of this Act.

Publicity to be given by the Central Government.

(2) The publicity shall be made through various official and non-official mass publicity media including newspapers, magazines, radio, television and cinema.

STATEMENT OF OBJECTS AND REASONS

In the preamble to the Constitution of India, the people have resolved, *inter alia*, to secure to themselves justice, social, economic and political; equality of status and dignity of individual. But the caste system in India has betrayed this noble resolve. In order to make citizens' equality a reality, the human mind will have to liberate itself from this obsolete concept. Casteism has embittered man and man relationship in our society.

The concept of casteism and the practice of tracing one's social status from his caste is a reactionary and fossilized concept. Such reactionary attitudes will have to be discarded completely if the egalitarian principles of the Constitution are to inform and elevate our social life.

Hence this Bill.

NEW DELHI;
March 12, 1980.

K. LAKKAPPA

FINANCIAL MEMORANDUM

Clause 8 of the Bill provides for publicity of the provisions of this Act. It will involve an annual recurring expenditure of about ten lakh rupees from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL No. 82 OF 1980

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short
title,
extent
and
commen-
cement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1980.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
article
101.

2. In article 101 of the Constitution, the following clause shall be inserted at the end, namely:—

“(5) No House of Parliament shall have the power to expel its members and no resolution to so expel a member passed in a session of the House or a Committee thereof shall render vacant the seat of the member so affected.”.

Amend-
ment of
article
190.

3. In article 190 of the Constitution, the following clause shall be inserted at the end, namely:—

“(5) No House of the Legislature of a State shall have the power to expel its members and no resolution to so expel a member passed in a session of the House or a Committee thereof shall render vacant the seat of the member so affected.”.

STATEMENT OF OBJECTS AND REASONS

Members of the House of the People and Legislative Assemblies of States are elected by the people from specified constituencies and they are expected to be in the service of their Houses during their (the Houses) respective terms. In the functioning of the legislatures during the last 30 years, there have been some instances where the ruling parties, out of political motives, got resolutions passed expelling a member belonging to the Opposition from the House. The members so expelled have thus been prevented from serving the House and the people who elected them.

On the question of the such expulsion from membership of a House, the Constitution is silent and the ruling parties have been misusing the position they have been occupying as majority parties. It is also not indicated in the Constitution whether such expulsions of members from the Houses amounted to vacation of their seats. The Court judgements also on such questions have been conflicting.

For the healthy working of the Parliamentary system no expulsion of members from their Houses should be brought about by resolutions sponsored by the ruling parties.

The Bill seeks to achieve this object.

NEW DELHI;
March 12, 1980.

K. LAKKAPPA

BILL No. 86 OF 1980

A Bill further to amend the Indian Fisheries Act, 1897.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short
title
and com-
mence-
ment.

1. (1) This Act may be called the Indian Fisheries (Amendment) Act, 1980.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section 3.

2. In section 3 of the Indian Fisheries Act, 1897 (hereinafter referred to as the principal Act), after clause (2), the following clause shall be inserted, namely:—

‘(2a) “mechanised fishing” means fishing by a boat fitted with an inboard engine;’

IV of
1897.

3. In section 4 of the principal Act,—

Amend-
ment of
section 4.

(a) for the existing marginal heading the following marginal heading shall be substituted, namely:—

“Destruction of fish by explosive and mechanised fishing in inland waters and on coasts.”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

(1A) If any person resorts to mechanised fishing in any water to catch or destroy any of the fish therein, he shall be punishable with a fine which may extend to rupees five thousand only, or with confiscation of nets and boat or with both.

(c) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In sub-section (1) and (1A), the word “water” includes the sea within a distance of 20 kms. of the sea-coast, creeks, rivers, canals, streams or any other water course where fishing is possible; and an offence committed under those sub-sections in such water shall be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such water.”.

4. In section 5 of the principal Act, in sub-section (1), for the words ‘extend to two months, or with fine which may extend to two hundred rupees’, the words ‘extend to six months, or with fine which may extend to two thousand rupees or with both,’ shall be substituted.

Amend-
ment of
section 5.

5. In section 6 of the principal Act, in clause (a) of sub-section (5), for the words ‘one hundred’, the words ‘two hundred’ shall be substituted.

Amend-
ment of
section 6.

6. In section 7 of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

Amend-
ment of
section 7.

“(c) if the person in charge of the mechanised boat refuses to cease forthwith the fishing operation on being directed to do so.”.

STATEMENT OF OBJECTS AND REASONS

1. The purpose of the amendments proposed to the Indian Fisheries Act, 1897 is two fold:

Firstly, to render socio-economic protection to the traditional fishermen community numbering about 6.5 million living in over 1800 villages along the entire 5650 kms. coast-line of our country, who earn their livelihood with country-boats and nets, but whose survival is now threatened by the intrusion of mechanised boats into their centuries old traditional fishing grounds in the inshore coastal and inland waters.

Secondly, to protect the delicate fish ecology and fish breeding grounds, which are generally located in the warm nutrient rich shallow coastal waters; to prevent from reckless mechanised fishing which causes killing of fish eggs, alarming depletion of fish resources, disastrous decline in daily fish catch, rendering lakhs of poor fishermen impoverished.

2. The Planning Commission, in accordance with the recommendations of the National Commission on Agriculture, has directed that firm steps be taken to prevent mechanised boats from fishing near the shores and the necessary punitive laws be passed and a protective force provided. These steps are considered necessary to prevent decline of fish stock, cutting of nets by mechanised boats and consequent economic crisis for the poorer classes, who are pursuing their centuries old, traditional, labour intensive, rural based occupation.

3. The Bill seeks to achieve the above objects.

VASANT KUMAR PANDIT

NEW DELHI;
March 13, 1980.

BILL NO. 87 OF 1980

A Bill further to amend the Indian Penal Code.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1980. Short title and commencement.

(2) It shall come into force at once.

45 of 1880. 2. In section 53 of the Indian Penal Code (hereinafter referred to as the Code), the words "First.—Death;" shall be omitted. Amendment of section 53.

3. After section 53A of the Code, the following new section shall be inserted, namely:— Insertion of new section 53B.

'53B. Any reference to "sentence of death" in this Code or in any other law for the time being in force or in any instrument or order having effect by virtue of any such law or of any enactment repealed should be construed as a reference to "imprisonment for life."' Construction of reference to sentence of death.

STATEMENT OF OBJECTS AND REASONS

There is a growing awareness among civilised people everywhere that death penalty is incompatible with the right to life. The executions of political opponents and criminal offenders have recently evoked considerable criticism and opposition from all thinking people. The view that abolition of death penalty is an invitation to offenders is not sustainable. In any case, it is not right for the State to take away a citizen's life on the ground that the citizen has been responsible for taking away some other person's life.

A campaign has recently been launched to persuade the United Nations and its member States to take immediate steps for the immediate and total abolition of death penalty throughout the world.

This Bill seeks to amend the Indian Penal Code to remove the death penalty from the Indian Statute.

GEORGE FERNANDES

NEW DELHI;
March 22, 1980.

AVTAR SINGH RIKHY,
Secretary.